

August 2, 2022

VIA ECF SYSTEM and
E-MAIL(chambersnysdseibel@uscourts.gov)

Honorable Cathy Seibel
United States District Court
Southern District of New York
Federal Building & United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: **The Wave Studio, LLC v. Citibank, N.A., et al.**
Case No.: 22-cv-05141(CS)

Dear Judge Seibel:

Plaintiff The Wave Studio, LLC (hereinafter “Plaintiff”) filed the above-captioned action against, among others, Defendants Emerging Travel, Inc. (hereinafter “Emerging Travel”), Rate Hawk and Zen Hotels. *See* Docket Entry No. 1. As stated in the Complaint, Rate Hawk and Zen Hotels are divisions of Emerging Travel. *Id.*, para. 12.

Plaintiff is writing to the Court to address certain clerical issues with the caption in the Complaint that are causing issues with serving these three Defendants.

First, due to a clerical error, the caption of the Complaint incorrectly listed Emerging Travel as “Emerging Travel Group” while the body of the Complaint correctly describes Emerging Travel as Emerging Travel, Inc. *Id.* In light of this clerical error, Plaintiff respectfully asks this Court to order the Clerk of the Court to change the name in the case caption to reflect the correct name of Defendant Emerging Travel, Inc., as described in the Complaint, or to state its preference as to how to otherwise accomplish correction of this clerical error.

Second, Plaintiff is having difficulty serving Defendants Zen Hotels and Rate Hawk. A first service attempt on these Defendants failed because, while the office address where service was attempted was correct for Defendant Emerging Travel, neither Zen Hotels nor Rate Hawk were listed at the office address. It appears, instead, that Defendant Emerging Travel operates under the brand names or divisions Rate Hawk and Zen Hotels as indicated on the Emerging Travel website. *See* Emerging Travel website: <https://www.emergingtravel.com/>; *also see* Complaint, para. 12.

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In order to effectuate service, Plaintiff therefore respectfully asks the Court to order the Clerk of the Court to change the caption regarding those Defendants, replacing respectively "Zen Hotels" and "Rate Hawk" as follows:

- Emerging Travel, Inc. dba Zen Hotels
- Emerging Travel, Inc. dba Rate Hawk

These clerical changes to the caption will allow amended summonses to be issued that will make service of process on all three Defendants go more smoothly. If the Court would prefer Plaintiff take other action to effectuate the referenced changes, Plaintiff requests that the Court provide it with guidance on these matters.

Very truly yours,

RIMON, P.C.

A handwritten signature in blue ink, appearing to read "Vijay Toke", with a stylized flourish extending to the right.

Vijay Toke